



W.P.No.23514 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.23514 of 2023

V.Emiliyammal

... Petitioner

Vs

1. M/s.State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government,
Transport Department, Secretariat, Chennai – 600 009.
2. M/s. State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai – 600 002.
3. M/s.Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai, Chennai – 600 002.
4. M/s.Employees Provident Fund Organization,
Rep. by its EPF Commissioner,
No.37, Royapettah High Road, Chennai – 600 014. ... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent herein



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to grant Family Pension to the Petitioner herein under Tamil Nadu family Pension Rules and consequently pay the arrears of Family Pension From July 1981 i.e. from 01.07.1981 the date of death of petitioners husband with 6 percentage interest in light of the orders passed by this Court in W.A.No. 1246 of 2009 dated 18.08.2010 W.P. No.12250 of 2019 dated 05.12.2019 and W.P.No. 4602 of 2020 dated 26.02.2020 and in light of G.O(Ms) No. 189 Transport(RW1) Department dated 13.08.2004.

For Petitioner : Mr.D. Soundar Raj

For Respondents : Mr.S.Arumugam
Government Advocate – R1

Mr.Sivasubramani – R2

Mr.C.S.K.Sathish – R3

ORDER

This Writ Petition has been filed to direct the first respondent herein to grant Family Pension to the Petitioner herein under Tamil Nadu family Pension Rules and consequently pay the arrears of Family Pension From July 1981 i.e. from 01.07.1981 the date of death of petitioners husband with 6 percentage interest in light of the orders passed by this Court in W.A.No. 1246 of 2009 dated 18.08.2010 W.P. No.12250 of 2019 dated



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05.12.2019 and W.P.No. 4602 of 2020 dated 26.02.2020 and in light of G.O(Ms) No. 189 Transport(RW1) Department dated 13.08.2004.

2. The case of the petitioner is that the husband of the petitioner joined in the first respondent Transport Department as a Sweeper on 14.03.1964 and then he was transferred to the second respondent Corporation with effect from 01.05.1975 and subsequently, he died on 01.07.1981. Since her husband has worked for more than than 10 years, the petitioner is entitled to minimum family pension as per G.O.No.189 Transport [RW1] Department dated 13.08.2004. In this regard, the petitioner has sent a representation to the first respondent on 27.07.2003. However, no Orders have been passed on the same. It is the contention of the petitioner that she also forwarded all the relevant documents to the second respondent as per communication in letter No.,10027/C2/Avipoga/2022 dated 27.07.2022 . However, the same has not been forwarded to the first respondent. Hence, the present Writ Petition.



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3. In such view of the matter, the second respondent shall forward all the particulars to the first respondent within a period of one month from the date of receipt of a copy of this Order. The first respondent shall consider the representation of the petitioner dated 27.07.2023 pass Orders on the same on merits within a period of two months thereafter.

4. With the above directions, this Writ Petition is disposed of. No costs.

10.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Additional Chief Secretary to Government,
Transport Department, Secretariat, Chennai – 600 009.
2. M/s. State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai – 600 002.



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3. M/s.Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai, Chennai – 600 002.

4. M/s.Employees Provident Fund Organization,
Rep. by its EPF Commissioner,
No.37, Royapettah High Road, Chennai – 600 014.



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N.SATHISH KUMAR, J.

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